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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/667,038

09/22/2003

Ken Cheung

USP2109A-KC

7872

30265 7590 12/19/2006

RAYMOND Y. CHAN

108 N. YNEZ AVE., SUITE 128
MONTEREY PARK, CA 91754

EXAMINER

SOLD, JENA A

ART UNIT

PAPER NUMBER

3765

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

12/19/2006

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding..

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/667,038

Applicant(s)

CHEUNG, KEN

Examiner

Jena A. Sold

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities:

1. Page 1, lines 10-11: Examiner suggests applicant replaces the phrase "During a physical check up or surgeon, doctors or nurses require contacting with patient..." with "During a physical check up or surgery, doctors or nurses require contact with patients...."
2. Similarly, replace "surgeon" with "surgery" on page 1, lines 15 and 20.
3. Page 1, lines 8, 16: Replace "bacterial" with "bacteria".
4. Page 8, lines 2: Replace "sports" with "spots."
5. Page 8, line 9: Replace "It" with "The" in the phrase "It embodiments have been shown...."
6. Page 8, line 11: Replace "form" with "from".
7. Examiner further suggests that applicant reviews the specification to ensure that additional grammatical and/or spelling errors are corrected.

Drawings

8. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because edge portion 14, mentioned in the description (page 6, line 31), is not included in the drawing, specifically in Figure 2. Similarly, edge portion 14', mentioned on page 7, lines 18 and 24 of the specification, is not included in the drawing, specifically in

Figure 3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-9 and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by W.H. Heaton (U.S. 1784285). Regarding claim 1, as visible in Figures 1 and 2, Heaton discloses a method and means for making a garment comprising a layer of canton flannel material 2, present applicant's arm sleeve adapted for receiving a user's arm therewithin, having a sinewy back portion 3, present applicant's outer side, a fleecy face 4, present applicant's inner side, and a free edge end. A layer of rubber 6, present

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applicant's sleeve protection layer, is coated on the back portion 3 of cotton flannel 2 (page 1, col. 2, lines 79-81). As said rubber protection layer is coated thereon, rubber layer 6 necessarily has an upper edge end attached on said arm sleeve. Rubber layer 6 also has a lower edge end extended to the free edge end of the arm sleeve and overlappedly encircling around the outer side of the arm sleeve, as indicated by the folded portion at the lower edge of the invention in Figure 1. Heaton additionally discloses an inner sleeve 14 and wide annular waterproof fabric reinforced rubber band 26 (page 2, col. 1, lines 46-56) which, in combination, comprise present applicant's elastic retaining loop provided at the inner side of the arm sleeve and above the arm sleeve's free edge end, as visible in Figure 1. The elastic retaining loop applies an elastic binding force around the user's wrist, so as to prevent leakage between the sleeve and the arm of the wearer (page 2, col. 1, lines 52-56) and to retain the arm sleeve in position that the sleeve protection layer is capable of encircling around the user's arm.

10. Regarding claim 2, the retaining loop comprises inner sleeve 14 (page 2, col. 1, lines 46-50), present applicant's blocking strap having an inner edge and an outer edge, wherein the outer edge extends from the inner side of the arm sleeve at an edge portion thereof, as visible in Figure 1. The retaining loop additionally comprises wide annular waterproof fabric rubber band 26, present applicant's circular elastic element, provided around the inner edge of the blocking strap and hugging, or binding to, the wrist of the user (page 2, col. 1, lines 52-56). The diameter of the inner edge of the blocking strap 16, as visible in Figure 1, is smaller than the diameter of the arm sleeve.

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11. Also visible in Figure 1, regarding claim 3, a width of the edge portion of the arm sleeve 2 is longer than a width of blocking strap 14, so that elastic element 26 is retained within the arm sleeve, at a position above the free edge end thereof.

12. Regarding claims 4 and 5, blocking strap 14 of the elastic retaining loop is attached to arm sleeve 2, as well as sleeve protection layer 6, through stitching 16 (page 2, col. 1, line 23-29), present applicant's at least one line of affixing spots continuously aligned along a length of the outer edge of the blocking strap so as to securely attach blocking strap 14 to the inner side 4 of arm sleeve 2.

13. Regarding claims 6-9, as visible in the lower portion of Figure 1, the lower edge end of sleeve protection layer 6 is inwardly folded to overlap on the inner side 4 of the arm sleeve along the arm sleeve's free edge, such that the lower edge end of sleeve protection layer 6 encircles the free edge of the arm sleeve.

14. Regarding claims 13 and 14, stitching lines, present applicant's continuously aligned attaching spots, are visible at the lower portion of the arm sleeve and sleeve protection layer, along the free edge end of the inner side of the arm sleeve, in order to maintain the folded edge of the garment, and thus the sleeve protection layer attached to the inner side of the arm sleeve.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 10-12 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heaton (US 1784285). Heaton discloses the invention substantially as claimed including a garment sleeve comprising an inner sleeve 2, a sleeve protection layer 6 and an elastic retaining loop comprising a blocking strap 14 and a circular elastic element 26, the outer edge of blocking strap 14 integrally extended from the sleeve protection layer 6 at stitching 16 toward the lower portion of the sleeve, as visible in Figure 1. Heaton fails to disclose, however, the garment sleeve wherein blocking strap 14 extends from the free edge end of sleeve protection layer 6. Present applicant's disclosure, however, fails to reveal any criticality in the aforementioned structure, nor does it disclose said structure to offer any particular advantage, serve any particular purpose, or solve any particular problem as stated in the specification. The attachment of blocking strap 14 to a lower portion of the sleeve protection layer, as in Heaton, rather than the lower edge end of said sleeve protection layer, is equally effectual in functioning as a barrier for preventing unwanted material from entering into the arm sleeve (Applicant Specification; page 6, lines 18-20). Thus, it would have been obvious to one of ordinary skill in the art to modify the invention of Heaton so that the blocking strap is attached at the lower edge end of the sleeve protection layer because the lower the point on the protective sleeve layer to which the blocking strap is attached, the smaller the recess into which unwanted materials may collect.

16. Regarding claims 15 and 16, as discussed in paragraph 14 above, Heaton discloses stitching lines, present applicant's continuously aligned attaching spots, at the

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lower portion of the arm sleeve and sleeve protection layer, along the free edge end of the inner side of the arm sleeve, in order to maintain the folded edge of the garment, and thus the sleeve protection layer attached to the inner side of the arm sleeve.

17. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heaton (US 1784285) in view of Stockwell (US 5359735). Heaton discloses the invention substantially as claimed and as previously discussed including an improved waterproof garment sleeve (page 1, col. 2, lines 73-75) comprising a sheet of canton flannel 2, present applicant's arm sleeve, coated on its back portion with a layer of rubber, present applicant's sleeve protection layer (page 1, col. 2, lines 79-81). Heaton fails to disclose said rubber sleeve protection layer wherein the coating is a silicone rubber. Stockwell discloses a surface coating process wherein a thin layer 14 of silicone rubber coating compound is applied to surface 12 (column 5, lines 36-38), as well as a silicone rubber adhesive sealant (column 6, lines 42-45). Stockwell additionally discloses the coating process as particularly suitable for raincoats and sporting garments (column 10, lines 10-14). Thus, it would have been obvious to one of ordinary skill in the art to apply the silicone rubber coating of Stockwell as the rubber coating of Heaton's waterproof garment sleeve because silicone rubber coatings create a waterproof, thermally insulating, flexible and thin, abrasion-resistant and breathable garment (column 3, lines 59-62; column 12, lines 14-20).

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Conclusion

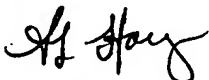
18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and is cited on form 892 enclosed herewith.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jena A. Sold whose telephone number is (571) 272-8610. The examiner can normally be reached on Mon. - Fri. 8:30 A.M. to 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JAS


ALISSA HOEY
PRIMARY EXAMINER
TECHNOLOGY CENTER 3700